



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN E. LONGNECKER et al.

Group Art Unit: 3748

Examiner: T. Trieu

Serial No.: 10/674,007

Filed: September 29, 2003

For: METHOD FOR RESPONDING TO SENSOR FAILURES ON  
EGR/VGT ENGINES

Attorney Docket No.: DDC 0559 PUS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a response to the Restriction Requirement of April 16, 2004. The Examiner has identified five separate inventions as follows:

- I. Claims 1-3.
- II. Claims 4-10.
- III. Claims 11-13.
- IV. Claim 14.
- V. Claims 15-16.

In response to the Restriction Requirement, Applicants elect Group II (claims 4-10) for examination, with traverse.

Applicants submit that the Restriction Requirement should be withdrawn to the

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this paper, including all enclosures referred to herein, is being deposited with the United States Postal Service as first-class mail, postage pre-paid, in an envelope addressed to: Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

extent that inventions II, III, and V are related. Elected claims 4-10, 11-13 and 15-16 all relate to a method of controlling an internal combustion engine and can be used together as disclosed. While the input sensors are different, the method used to control the engine in each claim incorporate adjustment of the VGT geometry. The inventions of Groups II, III and V are capable of use together and that have common modes of operation, similar functions and similar effects. Applicants respectfully requests reconsideration of the Restriction Requirement and examination on the merits of claims 4-13 and 15-16.

Prompt and favorable consideration of this application is requested. If the Examiner notes any minor errors, he is invited to telephone the undersigned so that the matter can be promptly handled by Examiner's amendment.

Respectfully submitted,

**JOHN E. LONGNECKER et al.**

By: 

Kevin J. Heintz

Reg. No. 29,805

Attorney/Agent for Applicant

Date: April 27, 2004

**BROOKS KUSHMAN P.C.**

1000 Town Center, 22<sup>nd</sup> Floor  
Southfield, MI 48075-1238

Phone: (248) 358-4400

Fax: (248) 358-3351